


Complaints Overview

The purpose of this summary is to provide a high level overview of complaints procedures from managing dissatisfaction and logging a complaint to processing a case for judicial review. This does not stand alone and should be read alongside the individual detailed complaints procedures.

Initially, a complaint is 'any expression of dissatisfaction about the service provided which is not resolved by operational staff as normal business'. When a complaint is received, you should first make sure that there are no outstanding actions that could be taken to resolve their issue. Put yourself into the client's shoes and look at how you can resolve their problem, and, when appropriate sign post them to other agencies or departments that may be able to provide them with additional help or support.

 If a client is contacting us about the service they received from CM Options, they should be told to contact Options directly to raise their dissatisfaction/complaint by calling 0800 9880988. If the dissatisfaction/complaint contains some elements regarding CM Options and some regarding CMS then contact should be made with CM Options viae mail OPTIONS.SERVICEDESIGNOEDCMGDWP@DWP.GSI.GOV.UK with 'Complaint' in the title (this email address is for internal use only and should in no circumstances be passed to clients). CM Options will complete an investigation into the complaint and the outcome will then be shared with CMS who will reply to the complaint in full based on the findings of the investigation.

A client can raise a complaint at any time during the lifecycle of a case and up to 14 months after the case has been closed. Where the complaint is raised by Members of Parliament (MP), the independent case examiner (ICE) or parliamentary and health service ombudsman (PHSO) there is no time limit for a complaint to be raised. It is essential that the client continues to make payments throughout the duration of a complaint, if their case is open.

A client may report that they believe the effective date to be wrong, this could have been cause by a failure during letter issue. For more information refer to [Effective Date - Client Challenge](#).

Complaints relating to the behaviour of a member of staff must be treated with confidentiality. No details are recorded on the system and all correspondence should be sent by secure post to the individual's team leader.

Team leaders must check all inbound activity; any letter that has the member of staff name must be recalled, printed locally, any reference to staff details manually redacted and re-scanned onto the system.

Team leaders will retain the original letter in a secure location whilst the investigation is ongoing before destroying it securely. The redacted, scanned letter is attached to a Service Request (SR). For more information on complaints about members of staff refer to guidance on the intranet; [complaints about staff](#). The team leader must raise a **Removal of Data** SR to ensure all associations between the SR and the member of staff are removed from the system. For more information refer to [Removal Of Data](#).

If you can resolve their dissatisfaction, take the appropriate action to do so and record this on the system as a dissatisfaction, rather than a complaint. When it is not possible to resolve, raise this as a complaint and look to seek early resolution for the client.

On receipt of a formal complaint, you must acknowledge it by post straight after you've logged it. Try to resolve the issue through discussion with the client, listen to their views, draw up a resolution plan and carry out the necessary action, setting clear time scales and objectives. If the client isn't happy with the outcome of their complaint, or the way it has been handled then it will be referred to the complaints resolution team. They will take ownership of the case for the duration of the complaint, decide on a resolution and inform the client, within 15 days.

Where the client is not satisfied with the resolution action carried out by the complaints resolution team, the complaint is referred to the complaints review team. This team decide whether or not the complaints resolution team have taken all appropriate action to resolve the complaint. If further resolution action is possible, the complaints review team will issue a revised resolution plan to the client for agreement and action.

If the client remains dissatisfied following action taken by the complaints review team, they can submit their complaint to ICE for an impartial assessment of the CMG conduct based on a review of all the case details. The complaint must pass through the ICE gateway to be considered. If it fails the ICE gateway, the CMG will notify ICE and refer the complaint to the appropriate team.

If a client has tried to resolve a complaint themselves with the CMG and they are still not satisfied, they can ask an MP to refer their complaint to the PHSO. If the PHSO decide to take on the complaint, they will issue a summary of complaint to the CMG. The CMG's internal PHSO team will send a draft response to the PHSO and take ownership of the case for the lifetime of the complaint. They will also undertake any PHSO case specific resolution actions and refer any systemic recommendations to the Director of Corporate Affairs.

A client or their representative has the right to appeal against a decision on a child maintenance calculation. An appeal is a formal process handled by Her Majesty's Courts and Tribunal Service (HMCTS), which is part of the Ministry of Justice. An independent tribunal will take a look at the CMG's decision and change it, if necessary. A response should be prepared for the tribunals service if the appeal cannot be resolved and it continues.

From October 28th 2013 mandatory reconsideration and direct lodgement will be used. Mandatory reconsideration means that the client must request CMG to look at a decision before they can obtain appeal rights. Direct lodgement means that appeals are now sent directly to Her Majesty's Courts and Tribunal Service (HMCTS) who will contact CMG. Both of these will only affect original decisions made on or after October 28th 2013.

Disputes can lead to a client making an appeal. When you receive an appeal, ensure that there are no actions that you can take to resolve this dispute before raising as an appeal. Talk to the client and make them aware of appeal scales, inform them that they may be required to attend court and of the potential outcomes from this action. Only log this as an appeal if you are unable to resolve their dispute and they understand the appeals process. A dispute is to an appeal what a dissatisfaction is to complaints. This is for disputes against decisions made BEFORE October 28th 2013, this includes any revisions of these decisions even if the revision was completed after this date.

Clients have the right to submit a claim for judicial review at anytime and in relation to any matter related to their case.

If a complaint is held on the Director General Caselist (e.g., high profile or parliamentary contact) ensure the caselist is updated throughout the lifecycle of the complaint.

For all of these examples ensure that the client is kept informed of the actions being taken. Ensure that the case notes are a clear reflection of the clients issues and actions taken. Make sure the client is provided with realistic time scales and regular updates, taking ownership of their case when required.

For more information refer to the Policy, Law and Decision Making Guidance 

NI OMBUDSMAN

Replace Ministry of Justice with Department of Justice for Northern Ireland

Replace Parliamentary and Health Service Ombudsman(PHSO) with Northern Ireland Ombudsman

Add Member of Legislative Assembly (MLA)to follow all references to MP in document

Replace Her Majesty's Courts and Tribunal Service (HMCTS) with Northern Ireland Courts and Tribunal Service (NICTS)

Appeals

[Appeals - Tribunal Preparation](#)

[Complaint - Early Application](#)

[Complaint/Dissatisfaction - Log](#)

[Complaint - Resolution](#)

[Complaint - Review](#)

[Complaint - Third Party](#)

[Complaints Feedback Process](#)

[Direct Lodgement](#)

[Dispute Resolution](#)

[Effective Date - Client Challenge](#)

[ICE](#)

[Judicial Review](#)

[Management Information - ICE/PHSO/Parliamentary Contact](#)

[Mandatory Reconsideration](#)

[MP Enquiries](#)

[PHSO](#)

Removal Of Data

Is there a timescale for raising a complaint?

Yes, a client can raise a complaint at any time during the lifecycle of a case and up to 14 months after the case has been closed. Where the complaint is raised by MPs, the Independent Case Examiner (ICE) or Parliamentary and Health Service Ombudsman (PHSO) there is no time limit for a complaint to be raised.